IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWELFTH DAY OF JUNE
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MR JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO : 11448 of 2009

Between:

1 Shaik Soukath Miya S/o. Shaik Mhathap Miya
R/o. 1-7-12-14, Pir Bhumanas,
Nanded, Maharastra.
2 Sai Krupa Trading Company Rep. by its Proprietor,
B. Ramesh, S/o. Vital Rao
Door No. 2-2-24 / 3, Subash Gunj,
Zaheerabad, Medak District.

..... PETITIONERS

AND

1 The District Collector (Civil Supplies)
Medak District at Sanga Reddy.
2 The Tahsildar Zaheerabad
Medak District.
3 The Mandal Revenue Inspector Zaheerabad
Medak District.

.....RESPONDENTS

Counsel for the Petitioners: MR.P.LAKSHMA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

O R D E R:

Proceedings dated 30-05-2009, by which respondent No.1 called upon the petitioners to furnish Bank guarantee for Rs.1,86,900/- and Personal Security Bond for a similar sum for release of seized lorry bearing registration No.AP09 Y

7389, is questioned in this Writ Petition.

Petitioner No.1 claims to be the owner of the abovementioned lorry, which was engaged by petitioner No.2 for transportation of 170 quintals of Sona Masuri rice from Nagpur to Zaheerabad on
16-05-2009. The said lorry was intercepted by the personnel of the Civil Supplies Department on 18-05-2009 and was seized along with the stock. When an application for release of the lorry and the rice was made by the petitioners, the impugned order has been passed directing them to furnish Bank guarantee for Rs.1,86,900/- being 50% of the value of the stock and Personal Security Bond for the balance 50% value as a condition for its release.

I have heard Sri P.Laxma Reddy, learned Counsel for the petitioners, and the learned Assistant Government Pleader for Civil Supplies. The rice, which was transported through the lorry in question, has already been seized and is presently in the custody of the respondents. The petitioners specifically contended that the seized stock is covered by valid permits. At any rate, it is the contention of the learned Counsel for the petitioners that even if any of the Control Orders are violated, it is only the owner of rice who is responsible and petitioner No.1 has no complicity in the commission of alleged irregularities. He, therefore, submitted that the condition of furnishing Bank guarantee towards 50% of the value of the stock is too harsh and onerous, apart from being unjustified.

Having carefully considered the submissions of the

learned Counsel for the petitioners and the learned Assistant Government Pleader for Civil Supplies, I am of the view that as petitioner No.1 is only the owner of the lorry, which was hired by petitioner No.2 for the purpose of transporting rice into the State of Andhra Pradesh, the condition of furnishing Bank guarantee for 50% of the value of the seized stock is unreasonable. The seized stock of rice is already in the custody of the respondents. Therefore, in my considered view, interests of justice would be met if respondent No.1 is directed to release the lorry to petitioner No.1 subject to his furnishing Personal Security Bond for the entire value of the stock seized with the further condition that the petitioners shall not alienate or in any manner change the features of the lorry, pending disposal of proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act'). Petitioner No.1 shall also produce the lorry before respondent No.1 as and when required in connection with the enquiry under Section 6-A of the Act.

The Writ Petition is, accordingly, disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.14739 of 2009 filed by the petitioners for interim relief is disposed of as infructuous.

(C.V.NAGARJUNA REDDY, J)

12th June, 2009
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